

**ASSEMBLY BILL**

**No. 2580**

**Introduced by Assembly Member Simitian**

February 21, 2002

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An act to amend Section 12305 of, and to add Sections 12099, 12234, and 12289.5 to, the Penal Code, relating to dangerous weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2580, as introduced, Simitian. Dangerous weapons.

Existing law generally regulates various dangerous weapons, including short-barreled shotguns, short-barreled rifles, machine guns, assault weapons, and destructive devices.

This bill would require, in regard to those devices, that the Department of Justice would, for every person, firm, or corporation to whom a permit is issued relating to the device, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventories of the devices. The bill would also provide that for a person, firm, or corporation with an inventory of fewer than 5 devices that require any Department of Justice permit, the department would conduct an inspection for security and safe storage purposes, and to reconcile inventories, once every 5 years, or more frequently if determined by the department.

This bill would provide that its operation is contingent upon an appropriation for its purposes in the Budget Act of 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12099 is added to the Penal Code, to  
2 read:

3 12099. (a) Except as provided in subdivision (b), the  
4 Department of Justice shall, for every person, firm, or corporation  
5 to whom a permit is issued pursuant to this article, annually  
6 conduct an inspection for security and safe storage purposes, and  
7 to reconcile the inventory of short-barreled shotguns and  
8 short-barreled rifles.

9 (b) A person, firm, or corporation with an inventory of fewer  
10 than five devices that require any Department of Justice permit  
11 shall be subject to an inspection for security and safe storage  
12 purposes, and to reconcile inventory, once every five years, or  
13 more frequently if determined by the department.

14 SEC. 2. Section 12234 is added to the Penal Code, to read:

15 12234. (a) Except as provided in subdivision (b), the  
16 Department of Justice shall, for every person, firm, or corporation  
17 to whom a permit is issued pursuant to this article, annually  
18 conduct an inspection for security and safe storage purposes, and  
19 to reconcile the inventory of machine guns.

20 (b) A person, firm, or corporation with an inventory of fewer  
21 than five devices that require any Department of Justice permit  
22 shall be subject to an inspection for security and safe storage  
23 purposes, and to reconcile inventory, once every five years, or  
24 more frequently if determined by the department.

25 SEC. 3. Section 12289.5 is added to the Penal Code, to read:

26 12289.5. (a) Except as provided in subdivision (b), the  
27 Department of Justice shall, for every person, firm, or corporation  
28 to whom a permit is issued pursuant to this article, annually  
29 conduct an inspection for security and safe storage purposes, and  
30 to reconcile the inventory of assault weapons.

31 (b) A person, firm, or corporation with an inventory of fewer  
32 than five devices that require any Department of Justice permit  
33 shall be subject to an inspection for security and safe storage  
34 purposes, and to reconcile inventory, once every five years, or  
35 more frequently if determined by the department.

36 SEC. 4. Section 12305 of the Penal Code is amended to read:

37 12305. (a) Every dealer, manufacturer, importer, and  
38 exporter of any destructive device, or any motion picture or



1 television studio using destructive devices in the conduct of its  
2 business, shall obtain a permit for the conduct of that business from  
3 the Department of Justice.

4 (b) Any person, firm, or corporation not mentioned in  
5 subdivision (a) shall obtain a permit from the Department of  
6 Justice in order to possess or transport any destructive device. No  
7 permit shall be issued to any person who meets any of the  
8 following criteria:

9 (1) Has been convicted of any felony.

10 (2) Is addicted to the use of any narcotic drug.

11 (3) Is a person in a class prohibited by Section 8100 or 8103 of  
12 the Welfare and Institutions Code or Section 12021 or 12021.1 of  
13 this code.

14 (c) Applications for permits shall be filed in writing, signed by  
15 the applicant if an individual, or by a member or officer qualified  
16 to sign if the applicant is a firm or corporation, and shall state the  
17 name, business in which engaged, business address and a full  
18 description of the use to which the destructive devices are to be put.

19 (d) Applications and permits shall be uniform throughout the  
20 state on forms prescribed by the Department of Justice.

21 (e) Each applicant for a permit shall pay at the time of filing his  
22 or her application a fee not to exceed the application processing  
23 costs of the Department of Justice. A permit granted pursuant to  
24 this article may be renewed one year from the date of issuance, and  
25 annually thereafter, upon the filing of a renewal application and the  
26 payment of a permit renewal fee not to exceed the application  
27 processing costs of the Department of Justice. After the  
28 department establishes fees sufficient in amount to cover  
29 processing costs, the amount of the fees shall only increase at a rate  
30 not to exceed the legislatively approved cost-of-living adjustment  
31 for the department.

32 (f) *Except as provided in subdivision (g), the Department of*  
33 *Justice shall, for every person, firm, or corporation to whom a*  
34 *permit is issued pursuant to this article, annually conduct an*  
35 *inspection for security and safe storage purposes, and to reconcile*  
36 *the inventory of destructive devices.*

37 (g) *A person, firm, or corporation with an inventory of fewer*  
38 *than five devices that require any Department of Justice permit*  
39 *shall be subject to an inspection for security and safe storage*

1 *purposes, and to reconcile inventory, once every five years, or*  
2 *more frequently if determined by the department.*  
3 SEC. 5. This act shall become operative only if funds are  
4 appropriated by the Legislature for the purposes in the Budget Act  
5 of 2002.

